

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:

**Donald Bartley Kelsey
3551 Maplewood Lane
Climax, NC 27233**

Case No. _____

Chapter 13

SS# xxx-xx-4211

SS# _____

Debtor(s)

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on February 16, 2015 .

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of **\$125.00** per month for a period of **36** months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs**1. Attorney fees.**

- ☐ The attorney for the Debtor will be paid the base fee of \$3,700.00. The Attorney has received \$ _____ from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
- ☒ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

2. Trustee costs. The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses**III. Priority Claims**

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

- a. ☒ None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Employment Security Commission	\$0.00
Internal Revenue Service	\$0.00
North Carolina Department of Revenue	\$0.00
Randolph County Tax Department	\$264.16

IV. Secured Claims**1. Real Property Secured Claims**a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
Community One Bank	House and Lot Located at 3551 Mapelwood Lane Climax NC 1/2 Interest with Daughter Melodie (Tax Value 79815.00) Value listed below is for 1/2 Value of Residential Real Property	R	Y	\$48.21	\$0.00	D
Community One Bank	House and Lot Located at 3551 Mapelwood Lane Climax NC 1/2 Interest with Daughter Melodie (Tax Value 79815.00) Value listed below is for 1/2 Value of Residential Real Property	R	Y	\$48.21	\$0.00	D

2. Personal Property Secured Claimsa. ☐ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
Wells Fargo	2003 Chevrolet S-10 Two Wheel Drive 112,000 Miles Nada Clean Retail	\$4,000.00	N	\$0.00	\$75.00	\$16.08	5.25%

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

4. Liens to be Avoided

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 0 %.

VII. Executory Contracts/Leases

- a. ☒ None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☒ None
- b. Other classes of unsecured claims and treatment

c. Other Special Terms

Debtor's Daughter pays second mortgage. Both First and Second Mortgage are to be paid direct. Debtor applying for VA Benefits. Once Benefits are received Debtor proposes to pay an increased plan payment to pay secured, priority and a zero percent return to unsecured creditors in thirty six months.

Date: **February 16, 2015**

/s/ Ron A Anderson

Ron A Anderson 24920

Attorney for the Debtor

Address: **PO Box 14639**
Archdale, NC 27263

Telephone: **336-431-7336**

State Bar No. **24920**

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:)	
Donald Bartley Kelsey)	NOTICE TO CREDITORS
)	AND
)	PROPOSED PLAN
SS# <u>xxx-xx-4211</u>)	
SS# _____)	Case No. _____
Debtor(s))	

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

Reid Wilcox
Clerk of Court
U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402

Anita Jo Kinlaw Troxler
Chapter 13 Trustee
Greensboro Division
Post Office Box 1720
Greensboro, NC 27402-1720

BP OIL
PO Box 6003
Hagerstown, MD 21747-6003

Care Credit/GEGRB
PO Box 960061
Orlando, FL 32896-0061

Community One Bank
10108 South Main Street
Archdale, NC 27263

Community One Bank
10108 South Main Street
Archdale, NC 27263

Employment Security Commission
P.O. Box 26504
Raleigh, NC 27611

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

John Deere
PO Box 4450
Carol Stream, IL 60197

Lending Club
71 Stevenson St Suite 300
San Francisco, CA 94105

Mutual of Omaha
PO Box 10321
Des Moines, IA 50306

North Carolina Department of Revenue
PO Box 1168

Raleigh, NC 27602

Randolph County Tax Department
725 McDowell Rd
Asheboro, NC 27205

USAA
P.O. Box 65020
San Antonio, TX 78265

Wells Fargo
PO Box 6412
Carol Stream, IL 60197

Date: February 16, 2015

/s/ Ron A Anderson

Ron A Anderson 24920